

AARON D. FORD
Attorney General
DAWN R. JENSEN (Bar No. 10933)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-3195 (phone)
(702) 486-3773 (fax)
Email: drjensen@ag.nv.gov

Attorneys for Defendant Efrain Lona

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WESLIE MARTIN,

Plaintiff,

v.

THE STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:18-cv-02426-RFB-VCF

**MOTION TO EXTEND THE
DEADLINE TO FILE THE
PROPOSED SCHEDULING ORDER**

Defendant Efrain Lona, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Dawn R. Jensen, Deputy Attorney General, hereby requests this Court extend the deadline for Defendant to file a proposed scheduling Order from December 20, 2021, to December 27, 2021.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

On November 29, 2021, the court held a hearing on Plaintiff's Motion for Reconsideration, Plaintiff's Motion for Summary Judgment, and Motion for Clerk's Default. At the hearing, after discussing the status of discovery, the court ordered the parties to meet and confer to develop a new proposed scheduling order. ECF No. 82. The proposed scheduling order was due to the court by December 20, 2021. *Id.* The court also ordered that Plaintiff be provided, to his cell, a paper copy of all medical records by December 10, 2021. *Id.*

1 On December 10, 2021, the Office of the Attorney General (OAG) submitted a request
2 to Ely State Prison for a call with Plaintiff. Recently, the OAG received confirmation that
3 the call is scheduled for December 22, 2021.

4 Plaintiff was provided all medical records to his cell on December 14, 2021.

5 Defendant files this Motion requesting a seven (7) day extension, or until
6 December 27, 2021, to file the Proposed Scheduling Order after the parties can meet and
7 confer.

8 **II. LEGAL ARGUMENT**

9 Under Federal Rules of Civil Procedure Rule 6(b): Extending Time,

10 When an act may or must be done within a specified time,
11 the court may, for good cause, extend the time:

12 (A) with or without motion or notice if the court acts, or if
13 a request is made, before the original time or its extension
14 expires; or

15 (B) on motion made after the time has expired if the party
16 failed to act because of excusable neglect.

17 FRCP 6(b).

18 Here, there is good cause to extend the time for Defendant to respond. As detailed
19 above, the Defendant requested a call with Plaintiff to meet and confer but the scheduled
20 call to Plaintiff was set further out than expected. Plaintiff was provided his medical
21 records on December 14, 2021. Therefore, the case is proceeding and Plaintiff will have
22 time to review this information prior to discussing new deadlines for a Proposed Scheduling
23 Order. Once the parties are able to confer, it is expected that they will be able to reach
24 agreement regarding the new deadlines and will likely submit a Joint Proposed Scheduling
25 Order. Furthermore, since the call will occur during the holiday week, it is likely there
26 may be additional staff shortages and early closures. Therefore, Defendant requests to
27 have an additional seven (7) days, or until December 27, 2021, to file the Proposed
28 Scheduling Order. Plaintiff will not be prejudiced by this request and no other deadlines
would be affected by this request.

///

///

1 **III. CONCLUSION**

2 Good cause exists for granting the extension. Defendant respectfully requests seven
3 days (7) days or until December 27, 2021, to file a Proposed Scheduling Order.

4 DATED this 20th day of December, 2021.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Dawn R. Jensen
8 DAWN R. JENSEN (Bar No. 10933)
9 Deputy Attorney General

10 *Attorneys for Defendant*

11
12
13
14 **IT IS SO ORDERED**

15
16
17 

18
19 **RICHARD F. BOULWARE, II**
20 **UNITED STATES DISTRICT JUDGE**

21 **DATED: December 21, 2021**
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on December 20, 2021, I electronically filed the foregoing **MOTION TO EXTEND THE DEADLINE TO FILE THE PROPOSED SCHEDULING ORDER** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

Weslie Martin, #1157084
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301
Email: ESP_LawLibrary@doc.nv.gov
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General